

CHAPTER LIII.

An Act securing to Mechanics a Lien on Lands and Buildings.

- SECTION 1. A mechanics' lien will rest on the building and land on which it is erected not exceeding forty acres, or on a village lot not exceeding one acre.
2. No lien will exist longer than sixty days after completion of work, except by filing a certificate with Register of Deeds, and then action for recovery must be instituted within a year.
 3. Satisfaction of lien, certificate to be registered as before; penalty for non compliance.
 4. Jurisdiction of all claims under this Act to be in the District Courts.
 5. Executors and administrators, same right as testator and intestate while living.
 6. Repeal of all acts inconsistent herewith, and of Section 9 to 29 of Chapter XVI. of Session Laws of 1855.
 7. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That every dwelling-house or other building for the construction, erection, or repairs of which any person shall have a claim for material furnished or services rendered, shall, with the land on which the same may stand, not exceeding forty acres, or if the building be within the limits of any city, town, or village plat, the lot on which such building shall stand, not exceeding one acre in extent, be subject to the payment of said claim; and the same shall be a lien on such land and building, and shall take precedence of any other lien or incumbrance which shall originate subsequent to the commencement of such services, or the furnishing of such materials.

SEC. 2. The debt for services or materials as aforesaid shall not remain a lien on such land or building for a longer period than sixty days after the person performing such services or furnishing such materials has ceased so to do, unless he shall lodge with the Register of Deeds of the county in which said building is situated a certificate in writing, describing the premises, the amount claimed as a lien thereon, and the date of the commencement of the claim—the same being first subscribed and sworn to as the amount justly due, as nearly as the same can be ascertained: which certificate shall be recorded by the Register of Deeds in a separate book to be provided by the Register of Deeds for that purpose; nor shall the debt for services or material as aforesaid remain a lien on such land or building for a longer period than one year after such certificate in writing has been so lodged with the Register of Deeds, unless an action for the recovery thereof be instituted within the said year.

Satisfaction of
lien—certificate
to be filed—form
of certificate

SEC. 3. Any person who has lodged a certificate as aforesaid, after receiving satisfaction for his debt, or after final judgment against him showing that nothing is due by reason of his claim, shall, at the request of any person interested in the premises on which the same was a lien, or interested in having the lien removed, lodge a further certificate with the Register of Deeds that said debt is satisfied and said lien removed; which certificate shall be recorded by said Register of Deeds as aforesaid, and shall forever discharge said lien; and if any person who has received satisfaction as aforesaid, against whom judgment has been rendered as aforesaid, shall not within ten days after request in writing, lodge a certificate with the Register of Deeds aforesaid, he shall pay to the party or parties aggrieved a sum not exceeding one-half the debt claimed as a lien on such premises, according to the circumstances of the case, to be recovered in a civil action. The Register of Deeds shall be allowed for recording the certificates provided for by this Act the same fees to which they are entitled by law for recording other instruments in writing.

Fees for recording
certificate

Jurisdiction only
in district court

SEC. 4. The District Court of this State shall have jurisdiction of all cases arising under the provisions of this Act, without regard to the amount of the claim for which the lien herein provided is sought to be enforced.

Rights of executors
&c

SEC. 5. That executors and administrators under this Act shall have the same rights and be subject to the same liabilities that their testator or intestate would or might have if living.

Repeal of former
acts

SEC. 6. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed; and all of Chapter XVI. of the Session Laws of 1855, entitled "A Bill legalizing the Town of Winona, and for other purposes," from section nine to twenty inclusive, are [is] hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,

Speaker of the House of Representatives.

RICHARD G. MURPHY,

President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
March 20, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.